

## BEAVER COUNTY (UTAH). PROBATE COURT [2560]

### RECORD BOOKS, 1856-1897.

3 microfilm reels

**DESCRIPTION:** During the territorial period Utah county probate courts served a variety of functions. In addition to traditional probate of estates, the courts held jurisdiction in civil and criminal matters. The Territorial Assembly also appointed county probate courts to adjudicate ownership of town site lots and to acknowledge incorporations. Because county probate courts served so many functions, records in the Beaver County Probate Court record books contain a variety of record types. These include estate and guardianship records, divorce records, incorporation records, records dealing with the adjudication of title for town site lots in Beaver County communities, court dockets, and a few other civil and criminal cases including some naturalizations.

In 1852, the territorial legislature defined the powers of county probate courts, specifying that those powers included authority to probate wills, administer the estates of deceased persons, and establish guardianships of minors, idiots, and the insane. (*An Act in Relation to the Judiciary, Acts, Resolutions, and Memorials passed by the First Annual, and Special Sessions, of the Legislative Assembly*. Great Salt Lake City, 1852, Brigham H. Young, Printer., pp. 38-48). The basic procedure for probate cases includes unsealing and admitting a will, if any, appointing administrators; giving notice to creditors; appointing appraisers and filing their report; ordering the sale of property; providing proof of settlement or distribution of the property; and releasing administrators from further responsibility. The Beaver County Probate Court record books contain a variety of orders, petitions and other documents relating to this process.

In addition to jurisdiction over estates the Territorial Assembly (1852) granted county probate courts jurisdiction in civil and criminal matters. The Beaver County Probate Court record books contain few criminal or civil cases with the exception of divorce cases. The number of divorce decrees and petitions in the 1870s suggests that the court was offering divorces to

more than just Beaver County residents.

In 1869 the Territorial Assembly assigned county probate courts to adjudicate title to town site lots. The Beaver County Probate Court held several special sessions, 1870-1873, to judge ownership of town site lots in Beaver City, Minersville, Greenville, and Adamsville. The record books include brief property descriptions for specific individuals, followed by more detailed records of court appearances and claimants' testimonies. Probate court adjudications were prompted by national and territorial legislation. In March 1867, Congress passed "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands" (*Statutes at Large, Treaties, and Proclamations, States of America*, vol. 14, chap. 177), which provided that corporate officials or probate court judges should enter town site lands at the General Land Office and purchase them for the benefit of all inhabitants. Pursuant to this law the Territorial Assembly established that any person claiming to be the rightful owner of any part of the land so entered, should present a claim to the probate court (*Compiled Laws of Utah*, 1876. Chap IV).

In 1870 the Territorial Assembly provided for the incorporation of mining, manufacturing and other companies or associations and designated that incorporations should be acknowledged by the county probate judge. (Laws of Utah, 1870, "Providing for Incorporating Associations, for Mining, Manufacturing, Commercial and other Industrial Pursuits," p. 136-137). Beaver County Probate Court record books contain incorporation records for a number of irrigation, mining and manufacturing companies, and several ecclesiastical wards. Articles of incorporation establish the ground rules for the new company and incorporation certificates prove authorization by the probate court that the process of incorporation has been completed. The record books also include bonds and oaths of office for corporation directors and officers.

The Beaver County Probate Court record books contain the Articles of Incorporation for the United Order of the Beaver Stake of Zion, which was organized in 1874. These are followed by bonds and oaths of office for United Order officers, and minutes for the meetings of the board of management, April-December 1874. The united order was a community system initiated by Brigham Young. LDS Church members contributed their possessions and labor and received in return according to their needs. The board meeting minutes were probably included here because the United Order secretary was also Probate Court clerk

**ARRANGEMENT:** Entries in the Beaver County Probate Court record books are roughly chronological, but in some cases are also arranged according to document type.

**RESEARCH NOTE:** Because the Beaver County Probate Court handled a variety of functions record entries dealing with these functions are mixed within the books.

**RELATED RECORDS:** Incorporation records for Beaver County were subsequently kept by the Beaver County clerk in INCORPORATION CASE FILES, series 83770. Town site

adjudication resulted in the recording of DEEDS, series 6242, by the Beaver County recorder. Beginning in 1896 Fifth District Court, Beaver, held jurisdiction over estates and guardianships. PROBATE RECORD BOOKS are series 1053.

**PROCESSING NOTE:** The record books of the Beaver County Probate Court were microfilmed in October 1966 by the Genealogical Society of Utah and processed by Rosemary Cundiff in August 2002.

**PREFERRED CITATION:** Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

### **CONTAINER LIST**

<b>Reel</b>	<b>Description</b>
1	Book A (estates, civil and criminal cases, 1856-1874)
2	Book 1 (town site adjudication, united order records, divorces, court dockets, 1870-1877)
2	Book 2 (court dockets, divorces, incorporations, guardianships, estates, 1871-1884)
3	Book B (estates and court dockets, 1872-1882)
3	Book 2A (estates, divorces and incorporations, 1884-1897)